

**Enrolled Memorandum of the Meeting
Study Session/Meeting
Twenty-Eighth Town Council of Highland
Monday, July 1, 2019**

The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, July 1, 2019** at 6:30 O'clock P.M., in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Mark Herak, Konnie Kuiper, and Steve Wagner were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: Kathy DeGuilio-Fox, Redevelopment Director was present.

Additional Officials Present: Ed Dabrowski, IT Consultant (Contract); and Larry Kondrat, Board of Waterworks Directors were present.

General Substance of Matters Discussed.

1. **Required changes to the Code regarding the position of Building Commissioner.** (General Assembly passed law that requires action.) The Town Clerk-Treasurer reported that several laws were passed regarding permitting that should be generally reviewed. However, the Clerk-Treasurer shared in particular the changes under SEA 142, Public Law 111-2019, which enabled a new chapter in the Indiana Code, codified as I.C. 36-1-27. The law deals with prohibiting any local building commissioner from issuing a permit or oversee its issuance if the building official has a conflict of interest.

The Clerk-Treasurer further described that the statute defined a conflict of interest and that local governments must adopt an ordinance enacting this prohibition and providing for a procedure to observe in instances where such a conflict of interest exists.

The Clerk-Treasurer further presented a draft amendment that would bring the Town into compliance with this new law. He noted that it needed review by the Town Attorney. The amendment to the Highland Municipal Code would be something like the following, subject to review by the Town Attorney:

2.25.073 Further prohibitions regarding Conflicts of Interests

(A) It shall be unlawful for the chief inspector, building commissioner and zoning administrator to issue or oversee the issuance of a permit through a subordinate if the chief inspector has a conflict of interest, as defined as a direct or indirect financial interest in the issuance of the permit;

(B) A direct or indirect financial interest shall not be construed to include the compensation that the chief inspector, building commissioner and zoning administrator receives in consideration of his services for the municipality nor any reimbursement for expenses incurred in consequence of this service, as provided by law;

(C) As used in this section, permit means any of the following:

- (1) An improvement location permit
- (2) A building permit
- (3) A certificate of occupancy
- (4) Approval of a site-specific development plan

- (5) Approval of a primary or secondary plat
- (6) Approval if a contingent use, conditional use, special exception or special use
- (7) Approval of a planned unit development, and
- (8) Any other permit or license issued under the jurisdiction of the department;

(D) When a conflict of interest exists as described by this section, the chief inspector shall report the conflict of interest in writing to the Town Council President, and the Plan Commission and with the municipal clerk;

(E) Further, when a conflict of interest exists as described in this section, the enforcement officer described in HMC Section 15.15.010 (assistant electrical inspector), shall be the acting chief inspector and shall perform all the duties that would have been performed by the chief inspector associated with the permit. The acting chief inspector shall be entitled to compensation at the highest rate in the range approved for the position of assistant electrical inspector, while performing work as the acting chief inspector under this section. Once all of the matters associated with the permit that created the conflict of interest are concluded, compensation as acting chief inspector shall end;

There being no evinced objection, the Town Council President indicated no objection to allowing such an amending ordinance to be included on the agenda of the Town Council meeting for Monday, July 8, 2019.

2. *Discuss whether to pursue a shortfall levy appeal in the forthcoming budget cycle.* The Town Clerk-Treasurer and the Town Council discussed the prospect of applying in the forthcoming budget cycle for a "shortfall levy" for the losses incurred in FY 2018 from the \$1.9 million tax refund granted to Meijer, 36% (\$674,500) of which was deducted from the Civil Town tax collection and approximately 9% (\$43,252) was deducted from the Sanitary District.

The Clerk-Treasurer indicated that the final policy decision was not needed to be rendered at this time. The Clerk-Treasurer indicated that he sought input at this point since in order to pursue such an appeal, the amounts of the levy reduction would need to be depicted in the publication of the proposed notice. The Clerk-Treasurer further indicated that the Town's policy establishing fund reserves for the General, Park and Redevelopment General Funds, could be a challenge to the success of the appeal as the Department of Local Government Finance considered fund balance when determining to grant an appeal. While the final policy choice would be reserved, there was no objection expressed to permit protecting the option to pursue the appeal by allowing such levies to be discretely included in any proposed budget notice.

3. *Discuss Budget Pre-adoption Hearing and Adoption Hearing for Calendar.* The Clerk-Treasurer indicated that he was preparing the FY 2020 budget calendar and sought informal permission to use the fifth Monday of September, exclusively for the pre-adoption hearing for the FY 2020 budget and with the adoption hearing to be conducted at the regular plenary meeting of October 14. There was no objection offered. It is noted that the meeting will be advertised under the provisions of IC 6-1.1-17 et seq as part of the budget notices.

- Add a meeting in September for Budget only for September 30
- Adopt at standing meeting of October 14.

4. *Downtown Banner protocol or policy.* The Clerk-Treasurer noted the recent request from Football Parents seeking permission to post banners featuring members of the Highland Trojans Football team. It was noted that after there was some delay in responding owing to no clear assignment to any department, the Redevelopment

Director stepped forward and agreed to assist with coordinating the requests. The Redevelopment Director then would work with Public Works Department to actually post the banners. It was noted that this would be the informal working policy. The Clerk-Treasurer indicated that it is desirable to have a policy presented and adopted by the Town Council, which expresses its position that allows then the departments to execute this. The Clerk-Treasurer indicated that he desired to work with the relevant department heads to draft a policy that could formalize the policy and be adopted by the Town Council. There was no objection.

5. *Discussion regarding Honoring Paul L. Doherty.* The Town Council President raised the issue of taking steps to honor the late 6th clerk-treasurer of the Town at the Highway of Flags Monument. It was further noted that the early idea was to perhaps rename the entire monument. It was still further noted that while not being necessarily prohibited, in light of the informal understandings at the time that the Council for the Encouragement of Patriotism transferred the monument, which was its project, to the Town, such a change might be outside the spirit of the gift. The suggestion that instead a dedication of the plaza in front of the monument, to be named for Paul Doherty, featuring an obelisk with a plaque memorializing Mr. Doherty and the basis for this commemoration, might be preferable. It was further noted that if there was objection some drafts of the narrative and galleys of a possible plaque could be obtained with the objective to establish this in time to be included in the Veteran's Day ceremony at the site. There was no objection to moving forward.

A colloquy ensued regarding the name for the plaza and whether that too should include veteran in its title. It was further noted that before any final action could be taken, the Town Council would need to formalize such a measure. The discussion included whether some steps could be taken to include a way to recognize and honor Highland veterans who died in action. The discussion included where such data could be gathered.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, July 1, 2019**, was adjourned at 7:01 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer